



SENATE BILL 423: Foster Care Family Act

2015-2016 General Assembly

Committee:	Senate Re-ref to Health Care. If fav, re-ref to Judiciary I	Date:	April 13, 2015
Introduced by:	Sens. Barringer, Harrington, Tucker	Prepared by:	Tawanda Foster Committee Counsel
Analysis of:	PCS to First Edition S423-CSTV-4		

SUMMARY:

Senate Bill 423 would amend the law applying to foster care families and the children in their care through: 1) implementation of a reasonable and prudent parent standard; 2) providing liability insurance for foster parents; 3) reducing barriers to obtaining a drivers license for foster children; and 4) requiring the Department of Health and Human Services (DHHS) to study a Medicaid waiver for children with serious emotional disturbance.

[As introduced, this bill was identical to H407, as introduced by Reps. Stevens, Glazier, which is currently in House Judiciary III.]

BILL ANALYSIS:

Section 2.1 creates a new section to establish the reasonable and prudent parenting standard.

Section 2.2 amends G.S. 7B-505(b) to require DHHS to make diligent efforts to notify relatives and any custodial parents of the juvenile's siblings that the juvenile is in nonsecure custody and of nonsecure custody hearings..

Section 2.3 amends G.S. 7B-800.1(a)(4) to require the court to consider whether parents with custody of a sibling of the juvenile have been identified and notified as potential resources for placement and support prior to the adjudicatory hearing.

Section 2.4 amends G.S. 7B-901 to require the court to inquire about efforts made to identify and notify parents with custody of a sibling of the as potential resources for placement and support at the disposition hearing.

Section 2.5 amends the law to allow a county department of social services (DSS) with custody of a juvenile to make decisions about matters generally made by a juvenile's custodian, and to provide or withhold permission to allow a juvenile to participate in normal childhood activities. This section also adds requirements for every permanency planning hearing for a juvenile in the custody of DSS who is age 14 years or more that, the court inquire and make written findings regarding the child's transition to adulthood and whether another planned permanent living arrangement would be an appropriate permanent plan for the juvenile.

Section 3.1 amends the insurance law to require the Rate Bureau to develop an optional policy form or endorsement that provides liability insurance to licensed foster parents.

Section 4.1 amends the law to deem minors 16 years or older in the custody of the DSS competent to contract for the purchase of an automobile insurance policy.

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Section 4.2 amends G.S. 20-11(i) to allow an application for a permit or license to be signed by both the applicant and specified other person when the applicant is in the legal custody of the DSS.

Section 4.3 amends the law to provide that the owner of a motor vehicle who is a foster parent does not violate the Financial Responsibility Act by allowing their foster child to operate their motor vehicle when the foster child is covered by a nonowner motor vehicle insurance policy.

Section 5.1(a) requires the DHHS, Division of Medical Assistance to design and draft, but not submit, a 1915 (c) Medicaid waiver to serve children with Serious Emotional Disturbance (SED) in home and community-based settings.

Section 5.1(b) requires the DHHS to report the draft waiver, other findings, and any other options or recommendations to best serve children with SED to the Joint Legislative Oversight Committee on Health and Human Services by December 1, 2015.

EFFECTIVE DATE: Parts 2 and 4 of this act would become effective on October 1, 2015. The remainder of this act is effective when it becomes law.